

9. (New) The security device according to claim 8, wherein said motion sensor detects excessive motion based upon the inputs commands.

10. (New) The security device according to claim 9, where upon detection of excessive motion, said output arrangement emits one of at least an audible alarm, a visible alarm and a vibrating response based upon input commands.

11. (New) The security device according to claim 8, wherein the circuit arrangement includes a microprocessor and a memory arrangement, where the memory arrangement may store data and software that enable the functions of the circuit arrangement.

REMARKS

Claims 1 and 2 have been amended. New claims 3-11 have been added. Applicant respectfully submits that no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

Claims 1 and 2 stand rejected under 35 U.S.C. §103, as being unpatentable over U.S. Patent 5,402,104 to LaRosa ("LaRosa" hereinafter).

Section 103 Rejection

The Office Action states that LaRosa discloses the features of claim 1, expect LaRosa fails to specify that the signals include at least one of digital and analog. The Office Action also states that it would have been obvious to specify use of digital or analog signals in application of the device of LaRosa. In regard to claim 2, the Office Action states that LaRosa discloses every feature except the step of executing the output response for at least one of a predetermined

period of time and upon receipt of stop output command from the user. The Examiner, apparently, relies upon Official notice in order to support these missing features. It is submitted that such a conclusory statement without a showing of some teaching or suggestion to make such a substitution does not sufficiently support an obviousness rejection under § 103. The court has plainly stated in the case of In re Ahlert, 165 U.S.P.Q. 418, 420-21 (C.C.P.A. 1970), that:

Assertions of technical facts . . . must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. **Allegations concerning specific "knowledge" of the prior art, which might be peculiar to a particular art should also be supported and the appellant similarly given the opportunity to make a challenge.**

(In re Ahlert, 165 U.S.P.Q. at 420-21 (citations omitted)). Since the rejection is apparently based on assertions that draw on facts within the personal knowledge of the Examiner, it is respectfully submitted that legally sufficient support for the rejection has not been set forth in the Office Action.

To the extent the Examiner intends to maintain the conclusory assertions regarding the obviousness rejection based on LaRosa, it is respectfully requested pursuant to 37 C.F.R. § 1.104(d)(2) that the Examiner provide an affidavit and/or a published reference that clearly supports the Examiner's assertions. If the Examiner cannot provide such support, the rejection should be properly withdrawn.

LaRosa

LaRosa relates to an asset protection alarm where small automatic transmitter/receivers can be attached to any object or person of interest, so that an accessory transponder-pager, worn or carried by a user, will report when the

object or person is separated by a distance greater than some predefined distance.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

LaRosa states that the receiver 48 has a threshold circuit such that there is only a receiver output if the signal falls below a threshold set by sensitivity threshold potentiometer 38. In contrast, amended claims 1 and 2 recite continuous monitoring of the signal between the remote device and attachment arrangement. LaRosa fails to describe, teach or suggest continuous monitoring of a signal as recited in amended claims 1 and 2. Furthermore, LaRosa does not teach or suggest the any specific method of monitoring the signal between the transponder-pager and asset transponder, it merely states that the receiver output occurs only if the signal falls below a threshold.

Accordingly, LaRosa simply does not disclose each feature of claims 1-11, and thus LaRosa cannot support an obviousness rejection. Withdrawal of this rejection is, therefore, respectfully requested.

CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to Claims 1-11 is requested. Applicant submits that the claims are now in condition for allowance.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

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